

# **WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT 2005 APPLICANT MANUAL**

**Washington State Military Department  
Emergency Management Division**



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# **WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM**

## **I. INTRODUCTION**

When a fire or fire complex threatens to cause such destruction that it would constitute a major disaster, federal assistance may be authorized to any state for the mitigation, management, and control of fires burning on publicly or privately owned forests or grasslands.

The Fire Management Assistance Grant Program (FMAGP) was established under the Disaster Mitigation Act of 2000, Section 420 of the Stafford Act, 42, U.S.C. 5187. This program was implemented on October 30, 2001 and replaced the Fire Suppression Assistance Program.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, authorizes federal financial assistance to help states with the mitigation, management, and control of fires on publicly or privately owned forests or grasslands that could develop into a major disaster. A request by the Governor's Authorized Representative (GAR) for a Fire Management Assistance Declaration facilitates this assistance.

Upon approval by the Federal Emergency Management Agency (FEMA), the Fire Management Assistance Declaration is a grant to reimburse suppression and emergency protective measures. The amount of financial assistance available depends upon the state meeting or exceeding the fire cost threshold through eligible expenditures for an individual fire, or eligible expenditures on a cumulative basis for the calendar year. The individual fire cost threshold set for the State of Washington for the year 2005 is \$335,965.<sup>1</sup> The cumulative threshold is \$1,007,895.<sup>2</sup>

The Governor's Authorized Representative (GAR), or alternate, is responsible for program administration. For calendar year 2005, the Emergency Management Division (EMD), Washington Military Department, is administering the program as the Grantee.

## **II. ELIGIBILITY**

### **A. Eligible Applicants**

State agencies, local governments, and tribal governments are eligible applicants to receive financial assistance under a Fire Management Assistance Declaration.

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<sup>1</sup> The individual fire cost threshold for the State is the greater of \$100,000 or  $5\% \times \$1.07 \times$  the state population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published by the Department of Labor.

<sup>2</sup> The cumulative fire cost threshold is the greater of \$500,000 or three times the  $5\% \times \$1.07 \times$  the state population.

## **B. Cost Principles**

The Cost Principles are outlined in 44 CFR Part 13.22, Allowable Costs; and the associated OMB Circular A-87, Cost Principles for State and Local Governments.

## **C. Eligible Costs**

All eligible work and related costs must be associated with the federally approved incident period of a declared fire. Eligible costs include those for the following items:

### **1. *Equipment and Supplies* -**

- a) Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.
- b) Firefighting supplies, tools, and materials expended or lost to the extent not covered by reasonable insurance will be replaced with comparable items.
- c) Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
- d) Use of U.S. government-owned equipment based on reasonable costs as billed by the federal agency and paid by the state. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)
- e) Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance. Eligible cost of repairs will be based on the lowest applicable equipment rates or other rates as determined by FEMA.
- f) Replacement of equipment lost or destroyed in firefighting activities to the extent not covered by reasonable insurance. Replacement will be with comparable equipment.

### **2. *Labor* -**

- a) Overtime for permanent or reassigned state and local employees.
- b) Regular time and overtime for temporary and contract employees hired to perform fire-related activities.

### **3. *Travel and Per Diem* -**

- a) Travel and per diem of employees who are providing services directly associated with eligible fire-related activities may be eligible.
- b) Provision of field camps and meals when made available in lieu of per diem.

4. ***Pre-positioning Costs -***

- a) Pre-positioning federal, out-of-state, and international resources for up to 21 days prior to a fire declaration, when approved by FEMA.
- b) Pre-positioning costs must be approved by FEMA. Requests for pre-positioning costs must be submitted to FEMA within seven days of approval of a fire management assistance declaration.

5. ***Emergency Work -***

FEMA may authorize emergency work under Section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. Eligible essential assistance activities may include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that pose a threat to the general public.

6. ***Temporary repair of damage caused by firefighting activities -***

Temporary repair of damage caused by eligible firefighting activities involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns, as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within 30 days of the close of the incident period for the declared fire.

7. Mobilization and demobilization costs directly related to the declared fire as approved by FEMA.

8. Reasonable costs for the mitigation, management, and control of declared fires burning on co-mingled federal/state lands, where the state has the responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis, and when such costs are not reimbursable by another federal agency.

9. ***Administrative Costs –***

The subgrantee may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a subgrant for a declared fire. Direct costs include regular and overtime pay and travel expenses for permanent, reassigned, temporary and contract employees who assist in the administration of the fire management assistance subgrant.

Funding for other direct costs incurred by the subgrantee administering a subgrant, such as equipment and supply purchases, may be eligible but must be reviewed by the Grantee and Regional Director.

Subgrantees may not claim indirect administrative costs.

#### **D. Donated Resources**

Under FEMA Policy 9525.2 Donated Resources, FEMA will credit an applicant for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work (Category B) and fire fighting activities (Category H). The Donated Resources are submitted by project worksheets (PW) and must be supported by documentation (e.g., sign in-out sheet, call log, statement from provider). Donated Resources offset the non-federal share of the eligible emergency work approved in PWs.

The federal share of the Donated Resources will be applied to the full 25 percent non-federal share. If the federal share of the Donated Resources exceeds the non-federal share of all of the eligible emergency work project worksheets, the excess will have no value. The excess cannot be transferred to another eligible applicant or be applied to the non-federal share of eligible work.

#### **E. Mutual Aid**

FEMA Policy Number 9523.6 became effective for declarations, including fire management, on or after August 11, 2004. The Mutual Aid policy applies to emergency work authorized under Section 420 Fire Management Assistance of the Robert T. Stafford Relief and Emergency Assistance Act, 42. U.S.C. §§ 5121-5206 (the Stafford Act).

To be eligible for reimbursement by FEMA, the mutual aid assistance must have been requested by a Requesting entity or Incident commander (IC), be directly related to the declared fire, used in the performance of eligible work, and the costs must be reasonable. FEMA will not reimburse costs incurred for self-deployment, unless the resources are subsequently used for eligible work at the request of the Requesting Entity or IC. The policy applies to all forms of mutual aid assistance. Please refer to the Mutual Aid Policy available in Appendix H.

#### **F. Ineligible Costs**

Costs not directly associated with the incident period are ineligible. Ineligible costs include, but are not limited to the following:

1. Costs incurred in the mitigation, management, and control of undeclared fires.
2. Costs related to planning, pre-suppression activities (i.e., cutting fire-breaks without the presence of an imminent threat, training, road widening), and recovery (i.e., land

rehabilitation activities, such as seeding, planting, and erosion control, salvage of timber or other materials, and restoration of facilities damaged by fire).

3. Costs for the straight or regular time salaries and benefits of an applicant's permanently employed or reassigned personnel.
4. Costs for mitigation, management, and control of a declared fire on co-mingled federal land, when such costs are reimbursable to the state by a federal agency under another statute (see 44 CFR Part 51).
5. Costs incurred fighting fires on federal land.

### **III. FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM PROCEDURES**

The following procedures describe the application and approval process for a subgrant under the Fire Management Assistance Grant Program:

#### **A. Request for Fire Management Assistance Subgrant (RFMA) (FEMA Form 90-133)**

Submitting an RFMA form is the first step an applicant takes to indicate an intention to apply for federal assistance under a fire management assistance declaration. The representative of the affected entity (state, local, or tribal government) fills out this form, but this does not commit the entity to any financial obligation. The purpose of this form is to identify interested applicants and their points of contact, including addresses and telephone numbers. (The RFMA form is available in Appendix C-12.)

1. State, local, and tribal governments must submit an RFMA to the EMD no later than 25 days after close of the incident period.
2. The EMD will review the request and forward it to FEMA for approval.
3. FEMA will approval or deny the request based on the eligibility requirements outlined in the previous section.
4. The EMD will inform the applicant of FEMA's decision to approve or deny the request.

#### **B. Designation of Applicant's Agent**

The affected entity appoints an official representative to be the point of contact. This individual must be authorized to make decisions on behalf of the entity. (The *Designation of Applicant's Agent Resolution* form and instructions are available in Appendix C-4.)

1. All correspondence will be sent to the applicant's agent. All invoice vouchers for payment of funds to the applicant must be signed by the applicant's agent.



2. The designation of an applicant's agent must be made by resolution or by letter. The resolution must have the signatures of the majority of the voting members of the governing body. Their titles may be typed. The signed resolution may be photocopied; but the **certification** needs to have the **original signature** of the clerk of the governing body.
3. In lieu of this form, a letter from the chief executive officer or highest elected official of the jurisdiction (i.e., mayor, city manager, fire chief, etc.) may be used; but one may not appoint oneself as the applicant's agent.

#### **C. State Fire Management Assistance Grant Application**

A one-page formal application document must be completed by the applicant. This document is the application for funding with the state. (The *State Fire Management Assistance Grant Application* form is available in Appendix C-13.)

1. The original form must be submitted to the state EMD. A photocopy of the signed application will not be accepted.
2. A copy of this signed document is sent to the applicant after it has been signed by the Governor's Authorized Representative (GAR) or alternate.

#### **D. Agreement**

Each approved applicant (state, local or tribal government) must enter into an agreement with the Emergency Management Division of the Washington State Military Department (EMD). The agreement describes the roles, responsibilities, conditions, and assurances that must be met to receive federal funds. The EMD Public Assistance Officer (PAO) is the primary contact for all transactions with and on behalf of the applicant. The PAO, or designated representative, is also known as the Deputy State Coordinating Officer – Public Assistance (DSCO-PA).

#### **E. Final Costs Claimed**

After FEMA has accepted the RFMA for an applicant, EMD will notify the applicant that their initial application has been accepted. The notification letter will identify the incident period for eligible costs, provide the Final Costs Claimed (FCC) form, and include a deadline for submission of the FCC form.

As soon as the final costs have been compiled for the applicant's fire management costs, the applicant must complete and forward the Final Costs Claimed form to EMD. These costs must be submitted no later than four months following the end of the incident period for the declared fire. (The *Final Costs Claimed* form is available in Appendix C-5.)

1. Upon receipt of the Final Costs Claimed forms, a FEMA/state team will contact the applicant agent to arrange a site visit to review the financial records that support the

claimed costs. This meeting should occur within two weeks of submittal of the final costs.

2. Claimed costs will be reviewed for eligibility and the Team may review a random sampling of some costs. The Team will review the following documentation:

- ✓ Timesheets for permanent and temporary personnel
- ✓ Vendor invoices and vouchers
- ✓ Spreadsheets that list your costs, personnel listing, and temporary hire listing
- ✓ Financial reports that match the total costs claimed for labor, equipment, and material
- ✓ Personnel policies regarding overtime pay or exchange time
- ✓ Sample cost-share agreements
- ✓ Mutual aid agreements
- ✓ Sample vendor contracts

#### **F. Project Worksheet (FEMA Form 90-91)**

After review of the eligible costs, the FEMA/EMD team will write a project worksheet (PW) for each category of work. If applicable, a PW will also be written for any Donated Resources. Documentation to support all claimed costs will be included with each PW. (the Project Worksheet form is available in Appendix C-10).

1. Any PW with total eligible costs under \$1,000 is ineligible for reimbursement.
2. Categories of Work:
  - Category B – Emergency Work (includes Donated Resources)
  - Category H – Firefighting Activities
  - Category Z – Grant Administrative Costs
3. EMD will compile all of the eligible costs for the fire to ensure the fire threshold has been met. If the fire threshold is met, the PWs will be submitted to FEMA for review and approval. If the individual or cumulative fire threshold is not met, EMD will notify each applicant that the PWs will not be submitted.

#### **G. Payments**

Funding is available for payment to the applicant only after FEMA has approved the PW. When FEMA approves funding for a declared fire, the PW will be approved with funding attached.

1. ***Project Worksheet Approval*** – Upon receiving approval of a PW, the applicant will be notified in writing of the funding amount, the breakdown on a cost share basis, and receive a completed A19-1A Invoice Voucher.
2. ***A19-1A Invoice Voucher (A19)*** – Upon receipt of the project funding approval, the applicant agent should immediately sign the A19 Invoice Voucher for the funds due,

and submit it to EMD for payment. The invoice voucher requires the signature of the designated applicant agent. The completed and signed form should be sent to:

Fire Management Assistance Grant Program  
Washington Military Department  
Emergency Management Division  
Post Office Box 40955  
Olympia, Washington 98504-0955

Payment for the approved funds will be processed upon receipt of the A-19-1A. (The A-19-1A *Invoice Voucher* form is available in Appendix C-8.)

## **H. Closure**

After payment of the approved funding, the applicant's file will be closed, unless an appeal is filed. The applicant will be notified by letter that the grant is closed.

All grants for a declared fire are required to be approved, funded, paid, and closed within nine months following the end of the incident period. On a case-by-case basis, an exception of up to three months may be requested.

## **I. Appeals**

An eligible applicant may appeal any FEMA determination according to the following procedures:

1. ***Levels of Appeal*** – A first appeal is made through EMD to the FEMA Regional Director. If the resultant determination is also appealed, the second appeal through EMD to the FEMA Associate Director is possible.
2. ***Format and Content*** – The applicant shall make an appeal in writing through EMD to the FEMA Regional Director. The appeal should contain **documented justification** that supports the applicant's position, the monetary figure in dispute, and provisions in the federal law, regulation, or policy with which the applicant believes the initial action was inconsistent.
3. ***Time Limits*** – Applicants must file appeals within 60 days after receipt of notice of the action the applicant is contesting. EMD will review and forward an applicant's appeal, with a written recommendation, to the FEMA Regional Director within 60 days of receipt of the appeal. FEMA's Regional Director will notify EMD of the disposition of the appeal, or the need for additional information, within 90 days following receipt of the appeal.
4. ***Second Appeal and Final Decision*** – The requirements outlined above for the first appeal are also followed for a second appeal. The decision of the FEMA Associate Director at the second level of the appeal will be FEMA's final administrative decision.

## **J. Documentation**

Applicants must establish a filing system to maintain all records pertaining to their applications for fire management assistance. These records should be easily accessible to state and federal auditors. Records are required to be maintained for a period of six years from the date of closure of each applicant's grant application.

## **K. Audit Requirements**

Audits are required in compliance with the Federal Single Audit Act and will be performed under 44 CFR 13.26. FEMA may elect to conduct a program-specific federal audit. When an audit is conducted, one copy of the audit report shall be sent to the Chief Financial Officer of the Washington Military Department within nine months after the close of the fiscal year.

All applicants receiving financial assistance from the Federal Emergency Management Agency must comply with OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations. This circular provides government-wide standards for implementing the Single Audit Act of 1984, Public law 98-502, rescinds OMB A-128, and replaces Attachment P to OMB Circular A-102.

For audit purposes, the Act divides state and local governments into two categories as follows:

1. Recipients of \$500,000 or more in **total** federal financial assistance in one fiscal year must have an audit made for that year in accordance with OMB Circular A-133.
2. Recipients of less than \$500,000 in total federal financial assistance in a fiscal year are exempt from compliance with the Act and other federal audit requirements.

## **IV. FUNDING**

All fire management assistance grants are subject to a cost share.

### **A. Federal Funding**

FEMA provides 75 percent of the funding for approved, eligible costs for each applicant.

### **B. Non-Federal Funding**

The applicant is responsible for a 25 percent non-federal share.

### **C. Duplication and Recovery of Assistance**

1. ***Duplication*** – FEMA provides supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by, or available to, the applicant from another source (i.e., insurance, legal awards, other assistance programs, other federal agencies, etc.). Grants will be reduced by the amounts available from other sources.
2. ***Negligence*** – FEMA will not provide assistance to an applicant for costs attributable to the applicant’s own negligence. Also, if an applicant suspects negligence by a third party for causing a condition which was funded by FEMA under the Fire Management Assistance Grant Program, the applicant is responsible for taking all reasonable steps to recover those funds. These funds must be repaid to FEMA through EMD.
3. ***Intentional Acts*** - Any person who intentionally causes a condition for which assistance is provided by FEMA shall be liable to the United States to the extent that FEMA incurs costs attributable to the intentional act or omission that caused the condition. FEMA may provide assistance, but it will be conditioned on an agreement by the applicant to cooperate with FEMA in efforts to recover the assistance from the liable party. However, a person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.
4. ***Recovery of Overpayments*** - Every effort is made to avoid instances where applicants receive more funds than can be supported by documentation. If an overpayment is determined, EMD will send a letter to the applicant requesting repayment of the funds.

When an applicant is required to return an overpayment to the State, the warrant must be made payable to the Military Department, Emergency Management Division.

### **V. STATE AND FEDERAL LAWS TO BE OBSERVED**

The applicant must comply with all state and federal laws in performing all tasks undertaken with respect to the Fire Management Assistance Grant Program. The following sections are included for informational purpose and are not professed to include all relevant laws. It is the applicant’s responsibility to comply with all federal, state, and local laws.

#### **A. Public Law 88-352, Title VI Of The Civil Rights Act Of 1964 (42 U.S.C. 2000d et seq.) (24 CFR Part 1)**

The applicant must comply with the provisions of “Public Law 88-352”, which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**B. Section 504 The Rehabilitation Act, 1973, As Amended (29 U.S.C. 794)**

The applicant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits or be subjected to discrimination under any program or activity receiving federal assistance funds.

**C. Americans With Disabilities Act (42 U.S.C. 12101, et seq.)**

The applicant shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the applicant four principle ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; 4) with respect to existing facilities and new construction.

**D. Copeland Act (Anti-Kickback Act) (40 U.S.C. 276c)**

The applicant shall comply with the Copeland Act, which makes it a criminal offense for any person to induce, by any manner whatsoever, any other person employed on the construction, prosecution, completion, or repair of any public building, or work financed in whole or in part by liens or grants from the United States, to give up any part or the compensation which he or she is entitled under his or her contract of employment. Compensation shall consist of wages and approved fringe benefits.

**E. Contract Work Hours And Safety Standards Act (40 U.S.C. 327et seq.)**

The applicant shall comply with the provisions of the Contract Work Hours and Safety Standards Act. According to this Act, no contract work may involve or require laborers or mechanics to work in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If the Act is violated, the applicant or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages. These requirements apply to rehabilitation or residential property only if such property is designed for residential use for eight or more families.

**F. The Clean Air Act, As Amended (42 U.S.C. 7401 et seq.)**

The applicant shall comply with the Clean Air Act, which prohibits (1) engaging in, (2) supporting in any way or providing financial assistance for, (3) licensing or permitting, or (4) approving any activity which does not conform to the state implementation plan for natural primary and secondary ambient air quality standards. The applicant shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not 101 on the U.S. Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Agency of the receipt of any communication from the Director of the EPA Office of Federal Activities

indicating that the facility to be used in the project is under consideration for listing by EPA.

**G. Executive Order 11990, May 24, 1977: Protection Of Wetlands (42F.R. 26961 et seq.)**

The applicant shall comply with Executive Order 11990. The intent of this Executive Order is (1) to avoid, to the extent possible, adverse impacts associated with the destruction or modification of wetland, and (2) to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative.

The applicant, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless (1) there is no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which may result from such use. In making this determination, the applicant may take into account economic, environmental and other pertinent factors.

**H. Executive Order 11988, May 24, 1977: Floodplain Management (42 F.R. 26951 et seq.)**

The applicant shall comply with the provisions of Executive Order 11988. The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the applicant proposes to conduct, support or allow an action to be located in a floodplain, the applicant must consider alternatives to avoid adverse effects and incompatible involvement in the floodplain. If sitting in a floodplain is the only practical alternative, the applicant must, prior to taking any action (1) design or modify its actions in order to minimize any potential harm to the floodplain, and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain.

**I. The Endangered Species Act Of 1973, As Amended (16 U.S.C. 1531 et seq.)**

The applicant shall comply with the Endangered Species Act of 1973, as amended. The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical.

**J. The Reservoir Salvage Act Of 1960, As Amended By The Archaeological And Historic Preservation Act Of 1974 (16 U.S.C. 469 et seq.)**

Under the Reservoir Salvage Act, the applicant must comply with provisions for the preservation of historical and archaeological data (including relics and specimens) that might otherwise be irreparably lost or destroyed as a result of any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or

program. Whenever the applicant finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any federal funded construction project or federally licensed project, activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical or archaeological data, the applicant must notify the U.S. Secretary of Interior in writing and provide appropriate information concerning the project or program activity.

**K. The Archaeological And Historical Data Preservation Act Of 1974 (16 U.S.C. 469 a-1 et seq.)**

The applicant shall comply with the Archaeological and Historical Data Preservation Act, which provides for the preservation of historic and archaeological information that would be lost due to development and construction activities as a result of federally funded activities.

**L. The Safe Drinking Water Act Of 1974, As Amended (42U.S.C. Section 201, 300(f) et seq., and U.S.C. Section 349)**

The applicant must comply with the Safe Drinking Water Act, as amended, which is intended to protect underground sources of water. No commitment for federal financial assistance, according to this Act, shall be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.

**M. The Federal Water Pollution Control Act Of 1972, As Amended, Including The Clear Water Act Of 1977, Public Law 92-212 (33 U.S.C. Section 1251 et seq.)**

The applicant must assure compliance with the Water Pollution Control Act, as amended, which provides for the restoration of chemical, physical and biological integrity of the nation's water.

**N. The Solid Waste Disposal Act, As Amended By The Resource Conservation And Recovery Act Of 1976 (42 U.S.C. Section 6901 et seq.)**

The applicant must assure compliance with the Solid Waste Disposal Act, as amended. The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

**O. The Fish and Wildlife Coordination Act Of 1958, as amended (16 U.S.C Section 661 et seq.)**

The applicant must assure compliance with the Fish and Wildlife Coordination Act, as amended. The Act assures that wildlife conservation receives equal consideration and is coordinated with other features or water resources development programs.



**P. Prevailing Wages On Public Works, Chapter 39.12 RCW**

The applicant shall comply with the provisions of Chapter 39.12 RCW, Prevailing Wages on Public Works. This statute mandates that the prevailing rate of wage, as determined by the state Department of Labor and Industries, be paid to workers performing under public works contracts.

**Q. Open Public Meeting Act, Chapter 42.30 RCW**

The applicant shall comply with provisions of Chapter 42.30 RCW which require that all meetings of the governing body which pertain to the implementation of the Fire Management Assistance Grant Program shall be open to the public except those where specific provision is made for executive sessions pursuant to RCW 42.30.110.

**R. Law Against Discrimination, Chapter 49.60 RCW**

The applicant shall comply with the provisions of Chapter 49.60 RCW in all activities relating to the implementation of this program.

**S. Governor's Executive Order 89-10, December 11, 1989: Protection Of Wetlands, And Governor's Executive Order 90-04, April 21, 1990: Protection Of Wetlands**

The applicant shall ensure that it avoids any activities that would adversely affect wetlands and adequately mitigates unavoidable impacts. For the purposes of this requirement, except where a contrary definition is provided by statute, mitigation means: (1) avoiding the impact altogether by not taking certain action or part of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (6) monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures. Mitigation may not include any of the above measures to the extent that they may be contrary to statute as applied under the particular circumstances. Emergency work that is essential to save lives and protect property and public health is exempt from these provisions.

# **APPENDIX A**

## **DEFINITIONS**

## APPENDIX A – DEFINITIONS

The following definitions explain terms as used in the Public Assistance and the Fire Management Assistance Programs.

1. **Applicant** - a government or other legal entity that receives an award and which is accountable to the state for the use of the funds provided.
2. **Associate Director** – the Associate Director of the Readiness, Response, and Recovery Directorate of FEMA, or his/her designated representative.
3. **Code of Federal Regulations** - "44 CFR, Chapter 1, Federal Emergency Management Agency," the primary volume regarding the Public Assistance Program and the Fire Management Assistance Program under the Federal Emergency Management Agency's direction.
4. **Damage Assessment** - the process utilized to determine the magnitude of damage and the unmet needs of the public sector caused by a disaster or emergency event.
5. **Declared Fire** – an uncontrolled fire or fire complex that threatens such destruction as would constitute a major disaster, which the Associate Director has approved in response to a state's request for a fire management assistance declaration.
6. **Demobilization** - the process and procedures to deactivate, disassemble, and transport back to their point of origin all resources that have been provided to respond to and support a declared fire.
7. **Donated Resources** – the volunteer labor, donated equipment, or donated materials used in the performance of eligible emergency work (Categories B and H). Donated Resources offset the non-federal share of the eligible emergency work approved in PWs.
8. **Federal Emergency Management Agency (FEMA)** - the federal agency created to provide a single point of accountability for all federal activities related to disaster mitigation and emergency preparedness, response, and recovery.
9. **FEMA/State Agreement** - the formal legal document between FEMA and the state that states the understandings, commitments, and binding conditions for assistance applicable as the result of the declaration of a fire. The agreement is signed by the FEMA Regional Director, or designee, and the Governor.
10. **Fire Complex** – two or more individual fires located in the same general area that are assigned to a single Incident Commander.
11. **Force Account** - an applicant's own labor forces and equipment.
12. **Governor's Authorized Representative (GAR)** - the person empowered by the Governor to execute, on behalf of the state, all documents for fire management assistance, including the request for a fire management assistance declaration.
13. **Grant** - an award of financial assistance, including cooperative agreements, by FEMA to an eligible state. The grant award will be based on the projected amount of total eligible costs for which a state submits an application and that FEMA approves related to a declared fire.

14. **Incident Commander** - the ranking official responsible for overseeing the management of fire operations, planning, logistics, and finances of field response.
15. **Incident Period** – the time interval during which the declared fire occurs. The Regional Director, in consultation with the Governor’s Authorized Representative and the Principal Advisor, will establish the incident period. Generally, to be considered eligible, costs must be incurred during the incident period which occurs between the start and end dates and times.
16. **Indian Tribal Government** - any federally recognized governing body of an Indian tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C.479a.
17. **Local Government** - any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments, regional or interstate government entity, agency or instrumentality of a local government, or other political subdivision of any state, any Indian tribal government or authorized tribal organization and any rural community, unincorporated town or village, or other public entity for which an application for assistance is made by a state or political subdivision thereof.
18. **Mitigation, Management, and Control** - those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning directly related to the declared fire.
19. **Mobilization** - the processes and procedures used to activate, assemble, and transport all resources the state requests to respond in support of a declared fire.
20. **Mutual Aid** – the agreement between federal, state, or local governments to provide emergency assistance to each other in the event of disasters or other crises. The agreements may be written or verbal.
21. **Pre-positioning** – to move existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity that is likely to constitute the threat of a major disaster.
22. **Project Worksheet (FEMA Form 90-91)** - this form identified actual costs incurred by eligible applicants as a result of the eligible firefighting activities.
23. **Regional Director** – a director of a FEMA regional office or his/her designated representative.
24. **State** – the State of Washington. The grant is awarded to the State of Washington and the state is accountable for the use of the funds provided. The state is the entire legal entity, even if only a particular component of the entity is designated in the grant award document.
25. **Subgrantee** – also known as Applicant.
26. **Threat of a Major Disaster** – the potential impact of a fire or fire complex is of such severity and magnitude that it would result in a presidential disaster declaration for the Public Assistance Program, the Human Services Program, or both.

27. **Uncontrolled Fire** – any fire not safely confined to predetermined control lines as established by firefighting resources.
28. **Washington Military Department** - the Emergency Management Division of the Washington Military Department, which is the agency responsible for administering the Fire Management Assistance Grant Program in the State of Washington.

## **APPENDIX B**

### **ACRONYMS**

## **APPENDIX B –ACRONYMS**

<b>CFR</b>	Code of Federal Regulations
<b>EMD</b>	Emergency Management Division
<b>FCC</b>	Final Costs Claimed
<b>FEMA</b>	Federal Emergency Management Agency
<b>FEPP</b>	Federal Excess Personal Property
<b>FMAGP</b>	Fire Management Assistance Grant Program
<b>GAR</b>	Governor's Authorized Representative
<b>IC</b>	Incident Commander
<b>PAC</b>	Public Assistance Coordinator
<b>PAO</b>	Public Assistance Officer
<b>PL</b>	Public Law
<b>PW</b>	Project Worksheet
<b>RFMA</b>	Request for Fire Management Assistance
<b>WMD</b>	Washington Military Department

## **APPENDIX C**

### **FORMS**



## APPENDIX C – FORMS

<b>FORM*</b>	<b>Page</b>
Applicant's Benefits Calculation Worksheet (FEMA Form 90-128) .....	C-2
Contract Work Summary Record (FEMA Form 90-126) .....	C-3
Designation of Applicant's Agent (EMD Form) .....	C-4
Final Costs Claimed Form (EMD Form) .....	C-5
Force Account Equipment Summary Record (FEMA Form 90-127) .....	C-6
Force Account Labor Summary Record (FEMA Form 90-123) .....	C-7
Invoice Voucher (State Form A19-1A) .....	C-8
Materials Summary Record (FEMA Form 90-124) .....	C-9
Project Worksheet (FEMA Form 90-91) .....	C-10
Rented Equipment Summary Report (FEMA Form 90-125) .....	C-11
Request for Fire Management Assistance Subgrant (FEMA Form 90-133) .....	C-12
Special Considerations (FEMA Form 90-120) .....	C-13
State Fire Management Assistance Grant Application (EMD Form) .....	C-14

\*Forms are listed alphabetically and not in order of operation

## **APPENDIX D**

### **MISCELLANEOUS RESOURCES**

## APPENDIX D – MISCELLANEOUS RESOURCES

Fire Management Assistance Grant Program Process Flowchart.....	D-2
Applicant Checklist .....	D-3
Deadlines .....	D-4
General Points “Before the Fire” .....	D-5

### Internet Reference/Resources:

FEMA forms on the Internet: <http://www.fema.gov/r-n-r/pa/appfrm1.htm>

- Project Worksheet
- Force Account Labor Summary Record
- Materials Summary Record
- Rented Equipment Summary Record
- Contract Work Summary Record
- Force Account Equipment Summary Record
- Applicant’s Benefits Calculation Worksheet

State forms on the Internet: <http://www.wa.gov/wsem/>

- Request for Fire Management Assistance Subgrant
- Designation of Applicant’s Agent Resolution (with instructions)
- State Fire Management Assistance Grant Application
- Invoice Voucher (A-19-1A)

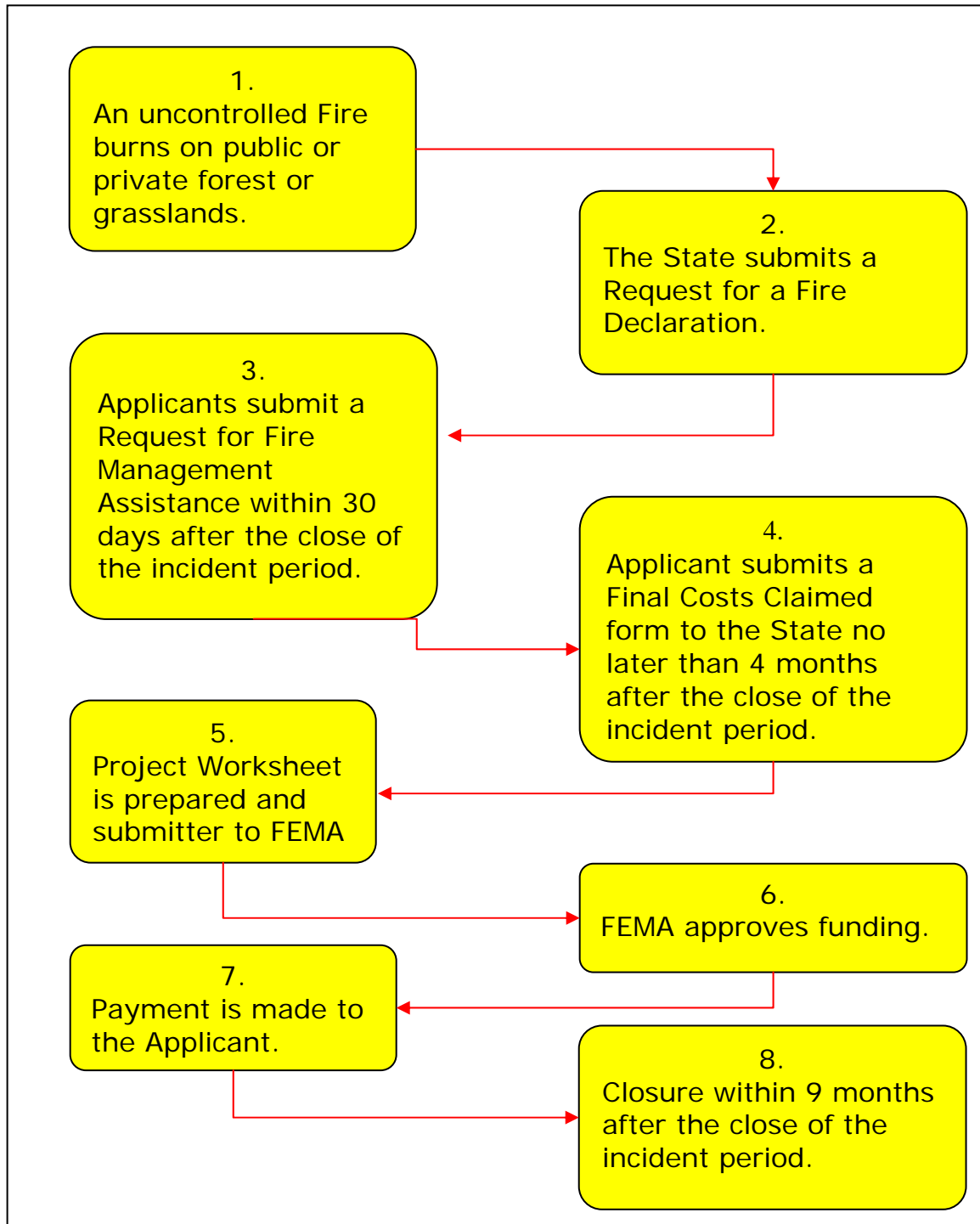
Robert T. Stafford Act, P.L. 93-288: <http://www.fema.gov/library/stafact.htm>

OMB circulars on the Internet: <http://www.whitehouse.gov/omb/circulars/>

**EMERGENCY MANAGEMENT DIVISION  
WASHINGTON MILITARY DEPARTMENT**

**Fire Management Assistance Grant Program**

**PROCESS**



## FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

### APPLICANT CHECKLIST Name of Fire (Incident Period)

<u>v</u>	<u>Form</u>	<u>Deadline / Requirements</u>	<u>Where More Information Can Be Found in the Applicant Manual</u>
	Request for Fire Management Assistance Subgrant	<b>Deadline: (Time expires 30 days after close of the incident period)</b>	Page 4 in the manual; form is in Appendix C-12
	Designation of Applicant Agent	Submit when you apply for assistance	Pages 5; form in Appendix C-4
	State Fire Management Assistance Grant Application	Necessary for funding with the state; submit as soon as possible	Page 5; form in Appendix C-13
	Agreement	Necessary for receiving federal funds; two copies of the agreement sent with cover letter; submit as soon as possible	Page 5
	W-9 Request for Taxpayer Identification Number and Certification	Necessary for processing of federal payment; submit as soon as possible	Form enclosed with Agreement letter
	Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form	Necessary for receiving federal funds; submit as soon as possible	Form enclosed with Agreement letter
	Final Costs Claimed	<b>Deadline: (90 days after close of Incident Period)</b> Extension considered on a case-by-case basis.	Pages 5 and 6; form in Appendix C-5
	Project Worksheet (PW)	Will be prepared by the federal/state team, after receipt and review of the final costs claimed form	Page 6; form in Appendix C-10
	A-19-1A Invoice Voucher (Payment)	Upon FEMA's project funding approval for a PW, you will be sent a completed A-19-1A for signature to request payment	Page 6 and 7; form in Appendix C-8

## FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM “BEFORE THE NEXT FIRE”

### DEADLINES:

- \* 30 days of the Incident Period: Applicants must submit their initial request for a Fire Management assistance Subgrant to EMD. EMD must collate and submit these requests for FEMA within 30 days.
- \* Four Months of Incident Period: Applicants must submit their final Costs Claimed form to EMD. The FEMA/State team will visit to review costs and then prepare Project Worksheet(s) for these costs.
- \* Six Months of Incident Period: All costs must be finalized and the supporting documentation provided to EMD. EMD will submit the final application package to FEMA with the PWs and documentation.
- \* Nine months of Incident Period: The fire must be closed. This means all applicants reimbursed and their application closed, and the fire closed.

## FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM “BEFORE THE FIRE”

### GENERAL POINTS TO REMEMBER:

- \* Incident Period: Includes start and stop times in addition to the dates. FEMA will consider reasonable mobilization and demobilization costs directly associated to the fire.
- \* Labor / Benefit Costs:
  - ✓ Backfill is not an eligible cost under the Fire Management Assistance Grant Program.
  - ✓ Overtime labor and benefit costs are eligible for your personnel, whether permanent or reassigned. Regular time is not eligible. Compensatory or exchange time is eligible.
  - ✓ Regular and overtime labor and benefit costs are eligible for temporary hires or contracted labor.
- \* Donated Resources: may reduce the amount of your 25% non-federal share. Donated Resources includes volunteer time, donated equipment, and donated materials. Track when your volunteers started and when they stopped, and what they did. For equipment and materials, ask the provider for the amount they would have charged.
- \* Administrative Costs: Subgrantees (applicants) may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a subgrant. This includes regular and overtime pay and travel expenses for permanent, reassigned, temporary, and contract employees. You must be able to directly report the costs to the specific fire. This is usually best achieved through a separate budget code that is assigned to the fire. Subgrantee indirect administrative costs are not eligible.
- \* Applicant’s Agent: All applicants must designate and Applicant’s Agent or act on behalf of the organization. EMD will provide you with this information.
- \* Prepare for FEMA/EMD Team: A FEMA/EMD team will visit each applicant to review the claimed costs and documentation.

The team will look at –

- ✓ timesheets
- ✓ vendor invoices and vouchers
- ✓ spreadsheets that list your costs, personnel, and temporary hires
- ✓ financial reports
- ✓ personnel policies regarding overtime pay
- ✓ sample cost-share agreements
- ✓ a sample vendor contract

## **APPENDIX E**

### **APPLICABLE STAFFORD ACT PROVISIONS**



## **APPENDIX E – APPLICABLE STAFFORD ACT PROVISIONS**

### Applicable Stafford Act Provisions:

- Section 403

#### {403} 5170b. Essential Assistance

##### (a) In general

Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

##### (1) Federal resources, generally

Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

##### (2) Medicine, food, and other consumables

Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, food, and other consumable supplies, and other services and assistance to disaster victims.

##### (3) Work and services to save lives and protect property

Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including--

##### (A) debris removal;

##### (B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons;

##### (C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;

##### (D) provision of temporary facilities for schools and other essential community services;

- (E) demolition of unsafe structures which endanger the public;
- (F) warning of further risks and hazards;
- (G) dissemination of public information and assistance regarding health and safety measures;
- (H) provision of technical advice to State and local governments on disaster management and control; and
- (I) reduction of immediate threats to life, property, and public health and safety.

(4) Contributions

- (a) Making contributions to State or local governments or owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of this subsection.

- (b) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

- (c) Utilization of DOD resources

(1) General rule

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

(2) Rules applicable to debris removal

Any removal of debris and wreckage carried out under this subsection shall be subject to section 5173(b) of this title [42 U.S.C. 5173(b)], relating to unconditional authorization and indemnification for debris removal.

(3) Expenditures out of disaster relief funds

The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

(4) Federal share

The Federal share of assistance under this subsection shall be not less than 75 percent.

(5) Guidelines

Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

(6) Definitions

For purposes of this section—

(A) Department of Defense

The term 'Department of Defense' has the same meaning as the term "department" under section 101 of title 10, United States Code.

(B) Emergency work

The term "emergency work" includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

- Section 420

{420} Fire Management Assistance

a) IN GENERAL – The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY – In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

- (c) **ESSENTIAL ASSISTANCE** – In providing assistance under this section, the President may use the authority provided under section 403.
- (d) **RULES AND REGULATIONS** – The President shall prescribe such rules and regulations as are necessary to carry out this section.
- (e) **EFFECTIVE DATE** – The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

**APPENDIX F**

**FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM**

**44 CFR Part 204**

[Code of Federal Regulations]  
[Title 44, Volume 1]  
[Revised as of October 1, 2003]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 44CFR204]

[Page 403-413]

## TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

### CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

#### PART 204--FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

##### Subpart A--General

Sec.

204.1 Purpose.

204.2 Scope.

204.3 Definitions used throughout this part.

204.4-204.20 [Reserved]

##### Subpart B--Declaration Process

204.21 Fire management assistance declaration criteria.

204.22 Submitting a request for a fire management assistance declaration.

204.23 Processing a request for a fire management assistance declaration.

204.24 Determination on request for a fire management assistance declaration.

204.25 FEMA-State agreement for fire management assistance grant program.

204.26 Appeal of fire management assistance declaration denial.

204.27-204.40 [Reserved]

##### Subpart C--Eligibility

204.41 Applicant eligibility.

204.42 Eligible costs.

204.43 Ineligible costs.

204.44-204.50 [Reserved]

##### Subpart D--Application Procedures

204.51 Application and approval procedures for a fire management assistance grant.

204.52 Application and approval procedures for a subgrant under a fire management  
assistance grant.

204.53 Certifying costs and payments.

204.54 Appeals.  
204.55-204.60 [Reserved]

#### Subpart E--Grant Administration

204.61 Cost share.  
204.62 Duplication and recovery of assistance.  
204.63 Allowable costs.  
204.64 Reporting and audit requirements.

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

Source: 66 FR 57347, Nov. 14, 2001, unless otherwise noted.

#### Subpart A--General

##### Sec. 204.1 Purpose.

This part provides information on the procedures for the declaration and grants management processes for the Fire Management Assistance Grant Program in accordance with the provisions of section 420 of the Stafford Act. This part also details applicant eligibility and the eligibility of costs to be considered under the program. We (FEMA) will actively work with State and Tribal emergency managers and foresters on the efficient delivery of fire management assistance as directed by this part.

##### Sec. 204.2 Scope.

This part is intended for those individuals responsible for requesting declarations and administering grants under the Fire Management Assistance Grant Program, as well as those applying for assistance under the program.

##### Sec. 204.3 Definitions used throughout this part.

Applicant. A State or Indian tribal government submitting an application to us for a fire management assistance grant, or a State, local, or Indian tribal government submitting an application to the Grantee for a subgrant under an approved fire management assistance grant.

Associate Director. The Associate Director or Assistant Director, as applicable, of the Readiness, Response and Recovery Directorate of FEMA, or his/her designated representative.

Declared fire. An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the Associate Director has approved in response

to a State's request for a fire management assistance declaration and in accordance with the criteria listed in Sec. 204.21.

Demobilization. The process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared fire.

FEMA Form 90-91. See Project Worksheet.

Fire complex. Two or more individual fires located in the same general area, which are assigned to a single Incident Commander.

Governor's Authorized Representative (GAR). The person empowered by the Governor to execute, on behalf of the State, all necessary documents for fire management assistance, including the request for a fire management assistance declaration.

Grant. An award of financial assistance, including cooperative agreements, by FEMA to an eligible Grantee. The grant award will be based on the projected amount of total eligible costs for which a State submits an application and that FEMA approves related to a declared fire.

Grantee. The Grantee is the government to which a grant is awarded which is accountable for the use of the funds provided. The Grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State, as designated in the FEMA-State Agreement for the Fire Management Assistance Grant Program, is the Grantee. However, after a declaration, an Indian tribal government may choose to be a Grantee, or it may act as a subgrantee under the State. An Indian tribal government acting as Grantee will assume the responsibilities of a "state", as described in this Part, for the purpose of administering the grant.

Hazard mitigation plan. A plan to develop actions the State, local, or tribal government will take to reduce the risk to people and property from all hazards. The intent of hazard mitigation planning under the Fire Management Assistance Grant Program is to identify wildfire hazards and cost-effective mitigation alternatives that produce long-term benefits. We address mitigation of fire hazards as part of the State's comprehensive Hazard Mitigation Plan, described in 44 CFR Part 206, subpart M.

Incident commander. The ranking official responsible for overseeing the management of fire operations, planning, logistics, and finances of the field response.

Incident period. The time interval during which the declared fire occurs. The Regional Director, in consultation with the Governor's Authorized Representative and the Principal Advisor, will establish the incident period. Generally, costs must be incurred during the incident period to be considered eligible.

Indian tribal government. An Indian tribal government is any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Individual assistance. Supplementary Federal assistance provided under the Stafford Act to individuals and families adversely affected by a major disaster or an emergency. Such assistance may be provided directly by the Federal Government or through State or local governments or disaster relief organizations. For further information, see subparts D, E, and F of Part 206.



Local government. A local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribal government or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.

Mitigation, management, and control. Those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning directly related to the declared fire.

Mobilization. The process and procedures used for activating, assembling, and transporting all resources that the Grantee requested to respond to support a declared fire.

Performance period. The time interval designated in block 13 on the Application for Federal Assistance (Standard Form 424) for the Grantee and all subgrantees to submit eligible costs and have those costs processed, obligated, and closed out by FEMA.

Pre-positioning. Moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.

Principal advisor. An individual appointed by the Forest Service, United States Department of Agriculture, or Bureau of Land Management, Department of the Interior, who is responsible for providing FEMA with a technical assessment of the fire or fire complex for which a State is requesting a fire management assistance declaration. The Principal Advisor also frequently participates with FEMA on other wildland fire initiatives.

Project worksheet. FEMA Form 90-91, which identifies actual costs incurred by eligible applicants as a result of the eligible firefighting activities.

Public assistance. Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private, nonprofit organizations for eligible emergency measures and repair, restoration, and replacement of damaged facilities. For further information, see Subparts G and H of Part 206.

Regional Director. A director of a regional office of FEMA, or his/her designated representative.

Request for Federal Assistance. See Standard Form (SF) 424.

Standard Form (SF) 424. The SF 424 is the Request for Federal Assistance. This is the form the State submits to apply for a grant under a fire management assistance declaration.

Subgrant. An award of financial assistance under a grant by a Grantee to an eligible subgrantee.

Subgrantee. An applicant that is awarded a subgrant and is accountable to the Grantee for the use of grant funding provided.

Threat of a major disaster. The potential impact of the fire or fire complex is of a severity and magnitude that would result in a presidential major disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.

Uncontrolled fire. Any fire not safely confined to predetermined control lines as established by firefighting resources.

We, our, us mean FEMA.

Sec. 204.4-204.20 [Reserved]

#### Subpart B--Declaration Process

Sec. 204.21 Fire management assistance declaration criteria.

(a) Determinations. We will approve declarations for fire management assistance when the Associate Director determines that a fire or fire complex threatens such destruction as would constitute a major disaster.

(b) Evaluation criteria. We will evaluate the threat posed by a fire or fire complex based on consideration of the following specific criteria:

(1) Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;

(2) Availability of State and local firefighting resources;

(3) High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System;

(4) Potential major economic impact.

Sec. 204.22 Submitting a request for a fire management assistance declaration.

The Governor of a State, or the Governor's Authorized Representative (GAR), may submit a request for a fire management assistance declaration. The request must be submitted while the fire is burning uncontrolled and threatens such destruction as would constitute a major disaster. The request must be submitted to the Regional Director and should address the relevant criteria listed in Sec. 204.21, with supporting documentation that contains factual data and professional estimates on the fire or fire complex. To ensure that we can process a State's request for a fire management assistance declaration as expeditiously as possible, the State should transmit the request by telephone, promptly followed by written documentation (FEMA Form 90-58).

Sec. 204.23 Processing a request for a fire management assistance declaration.

(a) In processing a State's request for a fire management assistance declaration, the Regional Director, in coordination with the Principal Advisor, will verify the information submitted in the State's request.

(b) The Regional Director will then forward the State's request to the Associate Director for determination along with the Principal Advisor's Assessment and the Regional Summary.

(1) Principal Advisor's assessment. The Principal Advisor, at the request of the Regional Director, is responsible for providing us with a technical assessment of the fire or fire complex for which the State is requesting a fire management assistance declaration. The Principal Advisor may consult with State agencies, usually emergency

management or forestry, as well as the Incident Commander, in order to provide us with an accurate assessment.

(2) Regional summary and recommendation. Upon obtaining all necessary information on the fire or fire complex from the State and the Principal Advisor, the Regional Director will provide the Associate Director with a summary and recommendation to accompany the State's request. The summary and recommendation should include a discussion of the threat of a major disaster.

#### Sec. 204.24 Determination on request for a fire management assistance declaration.

The Associate Director will review all information submitted in the State's request along with the Principal Advisor's assessment and Regional summary and render a determination. The determination will be based on the conditions of the fire or fire complex existing at the time of the State's request. When possible, the Associate Director will evaluate the request and make a determination within several hours. Once the Associate Director makes a determination, the Associate Director will promptly notify the Regional Director. The Regional Director will then inform the State of the determination.

#### Sec. 204.25 FEMA-State agreement for fire management assistance grant program.

(a) After a State's request for a fire management assistance declaration has been approved, the Governor and Regional Director will enter into a standing FEMA-State Agreement (the Agreement) for the declared fire and for future declared fires in that calendar year. The State must have a signed and up-to-date FEMA-State Agreement before receiving Federal funding for fire management assistance grants. FEMA will provide no funding absent a signed and up-to-date Agreement. An Indian tribal government serving as Grantee, must sign a FEMA-Tribal Agreement, modeled upon the FEMA-State Agreement.

(b) The Agreement states the understandings, commitments, and conditions under which we will provide Federal assistance, including the cost share provision and articles of agreement necessary for the administration of grants approved under fire management assistance declarations. The Agreement must also identify the State legislative authority for firefighting, as well as the State's compliance with the laws, regulations, and other provisions applicable to the Fire Management Assistance Grant Program.

(c) For each subsequently declared fire within the calendar year, the parties must add a properly executed amendment, which defines the incident period and contains the official declaration number. Other amendments modifying the standing Agreement may be added throughout the year to reflect changes in the program or signatory parties.

#### Sec. 204.26 Appeal of fire management assistance declaration denial.

(a) Submitting an appeal. When we deny a State's request for a fire management assistance declaration, the Governor or GAR may appeal the decision in writing within 30 days after the date of the letter denying the request. The State should submit this one-time request for reconsideration in writing, with appropriate additional information, to the Associate Director through the Regional Director. The Associate Director will notify the

State of his/her determination on the appeal, in writing, within 90 days of receipt of the appeal or the receipt of additional requested information.

(b) Requesting a time-extension. The Associate Director may extend the 30-day period provided that the Governor or the GAR submits a written request for such an extension within the 30-day period. The Associate Director will evaluate the need for an extension based on the reasons cited in the request and either approve or deny the request for an extension.

#### Sec. 204.27-204.40 [Reserved]

#### Subpart C--Eligibility

##### Sec. 204.41 Applicant eligibility.

(a) The following entities are eligible to apply through a State Grantee for a subgrant under an approved fire management assistance grant:

- (1) State agencies;
- (2) Local governments; and
- (3) Indian tribal governments.

(b) Entities that are not eligible to apply for a subgrant as identified in (a), such as privately owned entities and volunteer firefighting organizations, may be reimbursed through a contract or compact with an eligible applicant for eligible costs associated with the fire or fire complex.

(c) Eligibility is contingent upon a finding that the Incident Commander or comparable State official requested the applying entity's resources.

(d) The activities performed must be the legal responsibility of the applying entity, required as the result of the declared fire, and located within the designated area.

##### Sec. 204.42 Eligible costs.

(a) General. (1) All eligible work and related costs must be associated with the incident period of a declared fire.

(2) Before obligating Federal funds the Regional Director must review and approve the initial grant application, along with Project Worksheets submitted with the application and any subsequent amendments to the application.

(3) Grantees will award Federal funds to subgrantees under State law and procedure and complying with 44 CFR part 13.

(b) Equipment and supplies. Eligible costs include:

(1) Personal comfort and safety items normally provided by the State under field conditions for firefighter health and safety, including:

(2) Firefighting supplies, tools, materials, expended or lost, to the extent not covered by reasonable insurance, will be replaced with comparable items.

(3) Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.

(4) Use of U.S. Government-owned equipment based on reasonable costs as billed by the Federal agency and paid by the State. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)

(5) Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance. We will use the lowest applicable equipment rates, or other rates that we determine, to calculate the eligible cost of repairs.

(6) Replacement of equipment lost or destroyed in firefighting activities, to the extent not covered by reasonable insurance, will be replaced with comparable equipment.

(c) Labor costs. Eligible costs include:

(1) Overtime for permanent or reassigned State and local employees.

(2) Regular time and overtime for temporary and contract employees hired to perform fire-related activities.

(d) Travel and per diem costs. Eligible costs include:

(1) Travel and per diem of employees who are providing services directly associated with eligible fire-related activities may be eligible.

(2) Provision of field camps and meals when made available in place of per diem;

(e) Pre-positioning costs. (1) The actual costs of pre-positioning Federal, out-of-State (including compact), and international resources for a limited period may be eligible when those resources are used in response to a declared fire.

(2) The Regional Director must approve all pre-positioning costs.

(i) Upon approval of a State's request for a fire management assistance declaration by the Associate Director, the State should immediately notify the Regional Director of its intention to seek funding for pre-positioning resources.

(ii) The State must document the number of pre-positioned resources to be funded and their respective locations throughout the State, estimate the cost of the pre-positioned resources that were used on the declared fire and the amount of time the resources were pre-positioned, and provide a detailed explanation of the need to fund the pre-positioned resources.

(iii) The State will base the detailed explanation on recognized scientific indicators that include, but are not limited to, drought indices, short-term weather forecasts, the current number of fires burning in the State, and the availability of in-State firefighting resources. The State may also include other quantitative indicators with which to measure the increased risk of the threat of a major disaster.

(iv) Based on the information contained in the State's notification, the Regional Director will determine the number of days of pre-positioning to be approved for Federal funding, up to a maximum of 21 days before the fire declaration.

(3) Upon rendering his/her determination on pre-positioning costs, the Regional Director will notify the Associate Director of his/her determination.

(f) Emergency work. We may authorize the use of section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. Essential assistance activities that may be eligible include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that pose a threat to the general public.

(g) Temporary repair of damage caused by firefighting activities. Temporary repair of damage caused by eligible firefighting activities listed in this subpart involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns; as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within thirty days of the close of the incident period for the declared fire.

(h) Mobilization and demobilization. Costs for mobilization to, and demobilization from, a declared fire may be eligible for reimbursement. Demobilization may be claimed at a delayed date if deployment involved one or more declared fires. If resources are being used on more than one declared fire, mobilization and demobilization costs must be claimed against the first declared fire.

(i) Fires on co-mingled Federal/State lands. Reasonable costs for the mitigation, management, and control of a declared fire burning on co-mingled Federal and State land may be eligible in cases where the State has a responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis. (This provision is an exception to normal FEMA policy under the Stafford Act and is intended to accommodate only those rare instances that involve State firefighting on a Stafford Act section 420 fire incident involving co-mingled Federal/State and privately-owned forest or grassland.)

#### Sec. 204.43 Ineligible costs.

Costs not directly associated with the incident period are ineligible. Ineligible costs include the following:

- (a) Costs incurred in the mitigation, management, and control of undeclared fires;
- (b) Costs related to planning, pre-suppression (i.e., cutting fire-breaks without the presence of an imminent threat, training, road widening, and other similar activities), and recovery (i.e., land rehabilitation activities, such as seeding, planting operations, and erosion control, or the salvage of timber and other materials, and restoration of facilities damaged by fire);
- (c) Costs for the straight or regular time salaries and benefits of a subgrantee's permanently employed or reassigned personnel;
- (d) Costs for mitigation, management, and control of a declared fire on co-mingled Federal land when such costs are reimbursable to the State by a Federal agency under another statute (See 44 CFR part 51);
- (e) Fires fought on Federal land are generally the responsibility of the Federal Agency that owns or manages the land. Costs incurred while fighting fires on federally owned land are not eligible under the Fire Management Assistance Grant Program except as noted in Sec. 204.42(i).

#### Sec. 204.44-204.50 [Reserved]

### Subpart D--Application Procedures

Sec. 204.51 Application and approval procedures for a fire management assistance grant.

(a) Preparing and submitting an application. (1) After the approval of a fire management assistance declaration, the State may submit an application package for a grant to the Regional Director. The application package must include the SF 424 (Request for Federal Assistance) and FEMA Form 20-16a (Summary of Assurances--Non-construction Programs), as well as supporting documentation for the budget.

(2) The State should submit its grant application within 9 months of the declaration. Upon receipt of the written request from the State, the Regional Director may grant an extension for up to 3 months. The State's request must include a justification for the extension.

(b) Fire cost threshold. (1) We will approve the initial grant award to the State when we determine that the State's application demonstrates either of the following:

(i) Total eligible costs for the declared fire meet or exceed the individual fire cost threshold; or

(ii) Total costs of all declared and non-declared fires for which a State has assumed responsibility in a given calendar year meet the cumulative fire cost threshold.

(2) The individual fire cost threshold for a State is the greater of the following:

(i) \$100,000; or

(ii) Five percent x \$1.07 x the State population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published annually by the Department of Labor.

(3) The cumulative fire cost threshold for a State is the greater of the following:

(i) \$500,000; or

(ii) Three times the five percent x \$1.07 x the State population as described in Sec. 204.51(b)(2)(ii).

(4) States must document the total eligible costs for a declared fire on Project Worksheets, which they must submit with the grant application.

(5) We will not consider the costs of pre-positioning resources for the purposes of determining whether the grant application meets the fire cost threshold.

(6) When the State's total eligible costs associated with the fire management assistance declaration meet or exceed the fire cost threshold eligible costs will be cost shared in accordance with Sec. 204.61.

(c) Approval of the State's grant application. The Regional Director has 45 days from receipt the State's grant application or an amendment to the State's grant application, including attached supporting Project Worksheet(s), to review and approve or deny the grant application or amendment; or to notify the Grantee of a delay in processing funding.

(d) Obligation of the grant. Before we approve the State's grant application, the State must have an up-to-date State Administrative Plan and a Hazard Mitigation Plan that has been reviewed and approved by the Regional Director. Once these plans are approved by the Regional Director, the State's grant application may be approved and we may begin to obligate the Federal share of funding for subgrants to the Grantee.

(1) State administrative plan.(i) The State must develop an Administrative Plan (or have a current Administrative Plan on file with FEMA) that describes the procedures for

the administration of the Fire Management Assistance Grant Program. The Plan will include, at a minimum, the items listed below:

(A) The designation of the State agency or agencies which will have responsibility for program administration.

(B) The identification of staffing functions for the Fire Management Assistance Program, the sources of staff to fill these functions, and the management and oversight responsibilities of each.

(C) The procedures for:

- (1) Notifying potential applicants of the availability of the program;
- (2) Assisting FEMA in determining applicant eligibility;
- (3) Submitting and reviewing subgrant applications;
- (4) Processing payment for subgrants;
- (5) Submitting, reviewing, and accepting subgrant performance and financial reports;
- (6) Monitoring, close-out, and audit and reconciliation of subgrants;
- (7) Recovering funds for disallowed costs;
- (8) Processing appeal requests and requests for time extensions; and
- (9) Providing technical assistance to applicants and subgrant recipients, including briefings for potential applicants and materials on the application procedures, program eligibility guidance and program deadlines.

(ii) The Grantee may request the Regional Director to provide technical assistance in the preparation of the State Administrative Plan.

(2) Hazard Mitigation Plan. As a requirement of receiving funding under a fire management assistance grant a State or tribal organization, acting as Grantee, must:

(i) Develop a Hazard Mitigation Plan in accordance with 44 CFR part 206, subpart M, that addresses wildfire risks and mitigation measures; or

(ii) Incorporate wildfire mitigation into the existing Hazard Mitigation Plan developed and approved under 44 CFR part 206, subpart M that also addresses wildfire risk and contains a wildfire mitigation strategy and related mitigation initiatives.

Sec. 204.52 Application and approval procedures for a subgrant under a fire management assistance grant.

(a) Request for Fire Management Assistance. (1) State, local, and tribal governments interested in applying for subgrants under an approved fire management assistance grant must submit a Request for Fire Management Assistance to the Grantee in accordance with State procedures and within timelines set by the Grantee, but no longer than 30 days after the close of the incident period.

(2) The Grantee will review and forward the Request to the Regional Director for final review and determination. The Grantee may also forward a recommendation for approval of the Request to the Regional Director when appropriate.

(3) The Regional Director will approve or deny the request based on the eligibility requirements outlined in Sec. 204.41.

(4) The Regional Director will notify the Grantee of his/her determination; the Grantee will inform the applicant.

(b) Preparing a Project Worksheet. (1) Once the Regional Director approves an applicant's Request for Fire Management Assistance, the Regional Director's staff may



begin to work with the Grantee and local staff to prepare Project Worksheets (FEMA Form 90-91).

(2) The Regional Director may request the Principal Advisor to assist in the preparation of Project Worksheets.

(3) The State will be the primary contact for transactions with and on behalf of the applicant.

(c) Submitting a Project Worksheet. (1) Applicants should submit all Project Worksheets through the Grantee for approval and transmittal to the Regional Director as amendments to the State's application.

(2) The Grantee will determine the deadline for an applicant to submit completed Project Worksheets, but the deadline must be no later than six months from close of the incident period.

(3) At the request of the Grantee, the Regional Director may grant an extension of up to three months. The Grantee must include a justification in its request for an extension.

(4) Project Worksheets will not be accepted after the deadline and extension specified in paragraphs (c)(2) and (c)(3) of this section has expired.

(5) \$1,000 Project Worksheet minimum. When the costs reported are less than \$1,000, that work is not eligible and we will not approve that Project Worksheet.

#### Sec. 204.53 Certifying costs and payments.

(a) By submitting applicants' Project Worksheets to us, the Grantee is certifying that all costs reported on applicant Project Worksheets were incurred for work that was performed in compliance with FEMA laws, regulations, policy and guidance applicable to the Fire Management Assistance Grant Program, as well as with the terms and conditions outlined for the administration of the grant in the FEMA-State Agreement for the Fire Management Assistance Grant Program.

(b) Advancement/Reimbursement for State grant costs will be processed as follows:

(1) Through the U.S. Department of Health and Human Services SMARTLINK system; and

(2) In compliance with 44 CFR 13.21 and U. S. Treasury 31 CFR part 205, Cash Management Improvement Act.

#### Sec. 204.54 Appeals.

An eligible applicant, subgrantee, or grantee may appeal any determination we make related to an application for the provision of Federal assistance according to the procedures below.

(a) Format and content. The applicant or subgrantee will make the appeal in writing through the grantee to the Regional Director. The grantee will review and evaluate all subgrantee appeals before submission to the Regional Director. The grantee may make grantee-related appeals to the Regional Director. The appeal will contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

(b) Levels of appeal. (1) The Regional Director will consider first appeals for fire management assistance grant-related decisions under subparts A through E of this part.

(2) The Associate Director will consider appeals of the Regional Director's decision on any first appeal under paragraph (b)(1) of this section.

(c) Time limits. (1) Appellants must file appeals within 60 days after receipt of a notice of the action that is being appealed.

(2) The grantee will review and forward appeals from an applicant or subgrantee, with a written recommendation, to the Regional Director within 60 days of receipt.

(3) Within 90 days following receipt of an appeal, the Regional Director (for first appeals) or Associate Director (for second appeals) will notify the grantee in writing of the disposition of the appeal or of the need for additional information. A request by the Regional Director or Associate Director for additional information will include a date by which the information must be provided. Within 90 days following the receipt of the requested additional information or following expiration of the period for providing the information, the Regional Director or Associate Director will notify the grantee in writing of the disposition of the appeal. If the decision is to grant the appeal, the Regional Director will take appropriate implementing action.

(d) Technical advice. In appeals involving highly technical issues, the Regional Director or Associate Director may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Director or Associate Director will notify the grantee in writing of the disposition of the appeal.

(e) The decision of the Associate Director at the second appeal level will be the final administrative decision of FEMA.

## Sec. 204.55-204.60 [Reserved]

### Subpart E--Grant Administration

#### Sec. 204.61 Cost share.

(a) All fire management assistance grants are subject to a cost share. The Federal cost share for fire management assistance grants is seventy-five percent (75%).

(b) As stated in Sec. 204.25, the cost share provision will be outlined in the terms and conditions of the FEMA-State Agreement for the Fire Management Assistance Grant Program.

#### Sec. 204.62 Duplication and recovery of assistance.

(a) Duplication of benefits. We provide supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by or available to the applicant from insurance, other assistance programs, legal awards, or any other source to address the same purpose. An applicant must notify us of all benefits that it receives or anticipates from other sources for the same purpose, and must seek all such benefits available to

them. We will reduce the grant by the amounts available for the same purpose from another source. We may provide assistance under this Part when other benefits are available to an applicant, but the applicant will be liable to us for any duplicative amounts that it receives or has available to it from other sources, and must repay us for such amounts.

(b) Duplication of programs. We will not provide assistance under this part for activities for which another Federal agency has more specific or primary authority to provide assistance for the same purpose. We may disallow or recoup amounts that fall within another Federal agency's authority. We may provide assistance under this part, but the applicant must agree to seek assistance from the appropriate Federal agency and to repay us for amounts that are within another Agency's authority.

(c) Negligence. We will provide no assistance to an applicant for costs attributable to applicant's own negligence. If the applicant suspects negligence by a third party for causing a condition for which we made assistance available under this Part, the applicant is responsible for taking all reasonable steps to recover all costs attributable to the negligence of the third party. We generally consider such amounts to be duplicated benefits available to the Grantee or subgrantee, and will treat them consistent with (a) of this section.

(d) Intentional acts. Any person who intentionally causes a condition for which assistance is provided under this part shall be liable to the United States to the extent that we incur costs attributable to the intentional act or omission that caused the condition. We may provide assistance under this part, but it will be conditioned on an agreement by the applicant to cooperate with us in efforts to recover the cost of the assistance from the liable party. A person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.

#### Sec. 204.63 Allowable costs.

44 CFR 13.22 establishes general policies for determining allowable costs.

(a) We will reimburse direct costs for the administration of a fire management assistance grant under 44 CFR part 13.

(b) We will reimburse indirect costs for the administration of a fire management assistance grant in compliance with the Grantee's approved indirect cost rate under OMB Circular A-87.

#### Sec. 204.64 Reporting and audit requirements

(a) Reporting. Within 90-days of the Performance Period expiration date, the State will submit a final Financial Status Report (FEMA Form 20-10), which reports all costs incurred within the incident period and all administrative costs incurred within the performance period; and

(b) Audit. (1) Audits will be performed, for both the Grantee and the subgrantees, under 44 CFR 13.26.

(2) FEMA may elect to conduct a program-specific Federal audit on the Fire Management Assistance Grant or a subgrant.

**APPENDIX G**  
**DONATED RESOURCES**  
**FEMA Policy 9525.2**

## **APPENDIX H**

### **MUTUAL AID**

**FEMA Policy 9523.6**